

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

REALTIME DATA, LLC d/b/a IXO,	)	
	)	
<i>Plaintiff,</i>	)	Case No. 1:11-cv-6696-KBF
	)	1:11-cv-6701-KBF
vs.	)	1:11-cv-6704-KBF
	)	
MORGAN STANLEY, ET AL.,	)	JURY TRIAL DEMANDED
	)	ECF Case
<i>Defendants.</i>	)	
_____	)	
REALTIME DATA, LLC d/b/a IXO,	)	
	)	
<i>Plaintiff,</i>	)	Case No. 1:11-cv-6698-KBF
	)	1:11-cv-6700-KBF
vs.	)	1:11-cv-6703-KBF
	)	
THOMSON REUTERS, ET AL.,	)	JURY TRIAL DEMANDED
	)	ECF Case
<i>Defendants.</i>	)	
_____	)	

DECLARATION OF STACEY L. COHEN IN SUPPORT OF DOWNSTREAM  
DEFENDANTS' REPLY BRIEF IN SUPPORT OF ITS MOTION FOR SUMMARY  
JUDGMENT OF NON-INFRINGEMENT OF THE ASSERTED ENCODING-  
DECODING CLAIMS ON THE GROUNDS THAT DOWNSTREAM DEFENDANTS DO  
NOT SELECT ENCODERS

I, Stacey L. Cohen, declare as follows:

1. I am an attorney with the law firm of Skadden, Arps, Slate, Meagher & Flom LLP and counsel to Defendants Morgan Stanley, Morgan Stanley & Co, Incorporated, Goldman Sachs Group, Inc., Goldman, Sachs & Co., Goldman Sachs Execution & Clearing, L.P., J.P. Morgan Chase & Co., J.P. Morgan Securities, Inc., and J.P. Morgan Clearing Corp.

2. I submit this declaration in support of Downstream Defendants' Reply Brief In Support Of Its Motion for Summary Judgment Of Non-Infringement Of The Asserted Encoding-Decoding Claims On The Grounds That Downstream Defendants Do Not Select Encoders.

3. Attached hereto as sealed Exhibit A is a true and correct copy of the (excerpted) deposition testimony of Michael Ian Shamos, taken on August 14, 2012 and August 16, 2012.

4. Attached hereto as Exhibit B is a true and correct copy of the (excerpted) treatise "Faber on Mechanics of Patent Claim Drafting" §§ 2:4, 4:2 (6th ed.), written by Robert C. Faber.

5. Attached hereto as Exhibit C is a true and correct copy of the Manual of Patent Examining Procedure § 2173.05(e) (July 2010), available at: <[http://www.uspto.gov/web/offices/pac/mpep/documents/2100\\_2173\\_05\\_e.htm](http://www.uspto.gov/web/offices/pac/mpep/documents/2100_2173_05_e.htm)>.

I declare under penalty of perjury that the above information is true and correct.

Executed on August 21, 2012 in New York, NY.



Stacey L. Cohen

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